

JUROR EXPERTISE¹

In evaluating the evidence and the issues presented, you should use your common sense, knowledge, and experience, just as you would in making decisions in your daily life. When I speak of “knowledge” and “experience” in this context, I mean the sort of knowledge and experience that an average person would acquire in life.

Some of you, however, may have something more than ordinary knowledge or experience in a certain area. Indeed, it may be that you have developed a special expertise in a certain area, well beyond what an average person would have.

If you have such a special expertise, and if it relates to some material issue in this case, it would be wrong for you to rely on that special expertise to inject into your deliberations either a fact that is not in evidence or inferable from the evidence, or an opinion that could not be drawn from the evidence by a person without that special expertise. The reason it would be wrong to do so is that you must decide this case only on the evidence presented to you in this courtroom.

Therefore, with respect to any material issue in this case, you must not use any special expertise you have to insert into the deliberations evidence that has not been presented in this courtroom during the trial.

1. *People v. Maragh*, 94 N.Y.2d 569 (2000); *People v. Arnold*, 96 N.Y.2d ____ (2001).